

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 MCT-01 CIAE-00 DODE-00
PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01
SP-02 SS-15 USIA-06 /085 W
-----030936 100238Z /62

R 091010Z MAR 78
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 668
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
USMISSION GENEVA
AMEMBASSY GABORONE
AMEMBASSY LONDON
USMISSION USUN NEW YORK

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CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: PINS, SHUM, SF
SUBJECT: "GOCH STREET TERRORIST" SENTENCED TO DEATH

REF: A) JOHANNESBURG 1503; B) PRETORIA 6029

BEGIN UNCLASSIFIED

1. SUMMARY: A YOUNG BLACK ACCUSED OF "TERRORIST" ACTIVITIES
IN JOHANNESBURG RESULTING IN THE KILLING OF TWO WHITES HAS
RECEIVED THE DEATH SENTENCE. PROCEDURAL IRREGULARITIES
WILL BE RAISED ON APPEAL. END SUMMARY.

2. ON MARCH 3, JUSTICE THERON OF THE KEMPTON PARK CIRCUIT
COURT SENTENCED SOLOMON MAHLANGU, 21, TO DEATH BY HANGING
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FOR HIS PARTICIPATION IN THE JUNE, 1977 "GOCH STREET
TERRORIST RAID" IN DOWNTOWN JOHANNESBURG WHICH RESULTED IN
THE DEATH OF TWO WHITES (SEE REFTTEL A). AS REPORTED
IN REFTTEL B, THE TRIAL WAS POSTPONED IN THE LATTER
PART OF 1977 IN ORDER TO HOLD A MEDICAL INQUIRY INTO THE
MENTAL STATE OF MAHLANGU'S CO-ACCUSED, MONDY JOHANNES
MOTLOUNG. MOTLOUNG WAS SUBSEQUENTLY FOUND TO HAVE

SUFFERED A FRACTURED SKULL AND BRAIN DAMAGE, ALLEGEDLY INFLICTED DURING HIS APPREHENSION, DECLARED UNFIT TO STAND TRIAL, AND WILL REMAIN IN A MENTAL HOSPITAL. (A THIRD MAN, REPORTEDLY THE LEADER OF THE THREE MAN "TERRORISTA" TEAM, ESCAPED POLICE CUSTODY AT THE SCENE OF THE SHOOTING.)

3. AT THE BEGINNING OF THE THREE WEEK TRIAL, MAHLANGU TOLD THE COURT THAT HE HAD BEEN REPEATEDLY ASSAULTED BY THE SECURITY POLICE AND WAS COERCED INTO MAKING A FALSE CONFESSION. ACCORDING TO PRESS REPORTS, AT THE TIME WHEN MAHLANGU WAS TO MAKE A CLOSED APPEARANCE BEFORE A MAGISTRATE FOR THE PURPOSES OF MAKING A STATEMENT, THE SECURITY POLICE HAD AN OFFICER PRESENT IN THE GUISE OF AN INTERPRETER AND TAPED MAHLANGU'S "CONFESSION". DEFENSE ATTORNEY ISMAEL AYOB TOLD THE COURT THAT THE SECURITY POLICE HAD ILLEGALLY USED THE COURT IN ORDER TO CREATE A "FACADE OF REGULARITY AND LAWFULNESS."

4. DURING THE COURSE OF THE PROCEEDINGS, IT WAS ESTABLISHED THAT MAHLANGU WAS RECRUITED BY THE ANC IN MAMELODI (PRETORIA) IN 1976 AND SENT TO ANGOLA VIA MOZAMBIQUE FOR MILITARY TRAINING. AYOB DREW THE COURT'S ATTENTION TO THE FACT THAT MAHLANGU DID NOT SHOOT ANYONE IN THE JOHANNESBURG "TERRORIST RAID." AT THE END OF THE TRIAL, JUSTICE THERON FOUND THE ACCUSED GUILTY OF ALL LIMITED OFFICIAL USE

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COUNTS UNDER THE TERRORISM, INTERNAL SECURITY, AND EXPLOSIVES ACTS AND GUILTY OF MURDER AND ATTEMPTED MURDER. THERON SENTENCED MAHLANGU TO DEATH ON THE MURDER CHARGES AND POSTPONED SENTENCING UNDER THE SECURITY LAWS. END UNCLASSIFIED.

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5. MAHLANGU'S ATTORNEY, ISMAEL AYOB TOLD EMBOFF ON MARCH 8 THAT THE PROCEDURAL IRREGULARITY CONCERNING THE ADMISSABILITY OF MAHLANGU'S STATEMENT WAS EVEN MORE SERIOUS THAN PRESS REPORTS INDICATED. AYOB SAID MAHLANGU WAS WARNED BY THE POLICE BEFORE HE WENT TO "CONFESS" THAT THEY HAD PLANTED A TAPE RECORDER IN THE ROOM TO ASCERTAIN WHETHER HIS STATEMENT BEFORE THE MAGISTRATE DIFFERED FROM WHAT HE HAD TOLD THEM. AYOB ALSO NOTED THAT THE POLICE INSISTED ON HAVING AN "INTERPRETER" PRESENT EVEN THOUGH MAHLANGU IS FLUENT IN ENGLISH. ACCORDING TO AYOB, MAHLANGU SHOULD HAVE STRONG GROUNDS TO APPEAL AGAINST THE JUDGMENT.

6. COMMENT: IT IS INTERESTING TO NOTE THAT THERON

POSTPONED SENTENCING ON THREE TERRORISM ACT CHARGES.
ACCORDING TO LEGAL CIRCLES, THE SAG NEVER SENTENCED
ANYONE TO DEATH UNDER THE TERRORISM ACT ALONE,
HANGINGS HAVE ALWAYS BEEN ORDERED FOR AN ACCOMPANYING
MURDER CHARGE OR RELATED CRIMINAL CHARGE.
BOWDLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CAPITAL PUNISHMENT, COURT DECISIONS, TERRORISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978PRETOR01345
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780107-0369
Format: TEL
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780387/aaaacvxn.tel
Line Count: 122
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d36e4cca-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 JOHANNESBURG 1503, 78 PRETORIA 6029
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3386738
Secure: OPEN
Status: NATIVE
Subject: \"GOCH STREET TERRORIST\" SENTENCED TO DEATH
TAGS: PINS, SHUM, SF, (MAHLANGU, SOLOMON)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d36e4cca-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014